

**STATE CRIME LABORATORY COMMISSION MEETING
THURSDAY APRIL 16, 2015 @ 11:00 AM
OFFICE OF THE ATTORNEY GENERAL
THIRD FLOOR CONFERENCE ROOM
150 SOUTH MAIN STREET
PROVIDENCE, RHODE ISLAND 02903**

In attendance were Gerald J. Coyne, Deputy Attorney General, Rhode Island Department of Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory; Colonel David Randall Scituate PD RI Police Chiefs Association Designee for Chief Tavares; Professor Paul Larrat URI; Nancy Haley; Clay Choquette; Lt. John Grassel RISP; Robin Smith DOH.

I. INTRODUCTION

A. Welcome to Commission Members

Meeting was called to order by Gerald Coyne @11:05 AM. Director Hilliard stated a letter was sent to The Governor in January to reappoint Clay Choquette and Nancy Haley. Right now the Governor still has not made the reappointments so they have not been sent to the Senate to have them approved. Director Hilliard then explained that Colonel Randall is here as the RI Police Chiefs Association's Designee for Chief Tavares.

B. Approve Minutes of January 21, 2015.

Mr. Coyne asked to approve the minutes of the January 21,

2015 meeting. Clay Choquette made a motion to approve the minutes and it was seconded by Nancy Haley All were in favor and the minutes were approved.

II. LABORATORY STATUS

A. Laboratory Progress Report

a. January to March 2015

A packet was handed out at the start of the meeting which contains several documents which will be referred to in the meeting. The progress report for the first quarter of the year is included. This report details the types of cases which come into the Laboratory and how many court cases for the quarter are listed as well. Cases new and resubmissions are about the same number as last year for the first quarter. There were 134 submissions this quarter and there were 146 last year at the same time. The resubmissions are 31 this quarter and there were 14 last year. Director Hilliard stated that originally he thought the numbers would be lower than last year due to the weather conditions we experienced this year. The number of exhibits was down from last year 600 vs. 799 from last year. A more complete analysis will be provided in the midyear report which will be in July, 2015. Any questions - Colonel Randall inquired about the proficiency test. Director Hilliard then explained that since the Laboratory is an accredited Laboratory each analyst has to do proficiency testing in their field of expertise in order to keep their certification, and these are counted as cases as they are worked as a case. Director Hilliard further explained that a contracted company named Collaborative

Testing sends a case over that they have built either a firearm case, trace case or fingerprint case and then the analyst works this as a case.

Any other questions on the quarterly report? No.

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b. AFIS Connectivity/Searches

The AFIS connectivity problem is still an issue. As explained before whenever searching images outside the Rhode Island/Connecticut area, there is trouble trying to download these images because the software and hardware are not compatible with new upgrade that the FBI did a couple of years ago. Director Hilliard stated that he has spoken with Mr. Edward Cabral at The Department of Attorney General who is a contractor on the AFIS system. Mr. Cabral has told Director Hilliard that by the end of June, 2015 new AFIS hardware will be in place and the centralized AFIS system will be upgraded; at that time the software and hardware of the computers will be upgraded in the Laboratory. Hopefully the issues which we are experiencing will go away once these upgrades are done. Mr. Choquette questioned if this would be completed by June of this year. Mr. Coyne said yes and then explained that the process unfortunately has been slow but things are moving along right now. Grants have been in place for this project.

Director Hilliard then explained that at the end of June the T-1 line which provides the connection between RISCL and AFIS system will no longer be supported by Verizon. The State RILETS system is in the

process of being upgraded to a fiber-optic connection via OSHEAN and the URI PD will be able to share their line with the Laboratory. This may require the Laboratory to purchase a new router or other devices. The discontinuation of the T-1 line will then provide some savings to the Laboratory as right now the cost of this line is \$205.00 monthly, which will disappear once the fiber network is installed. Any questions on this? None

c. Firearms Backlog Issues

The Commission was made aware at the last meeting in January, 2015, that the Laboratory was working closely with ATF and the Providence Police Department to look at the backlog issue particularly in Providence. A decision was made that Providence would take back cases that were older than a certain date and they would reinvestigate these cases to see if there was any reason to continue the Laboratory services. A letter was received from Colonel Clements on January 23, 2015, (a copy is enclosed in the packet) which stated that any items submitted up to December 1, 2014, could be returned to the Department for examination. Over 300 FA cases were returned to Providence Police Department for their review and if any of these need further examination they will be resubmitted. Clay Choquette then asked – do you expect to receive a certain amount back? Director Hilliard stated that yes he does. Clay then asked what this did to the backlog. Director Hilliard stated that FA backlog for March of 2015 was 124 cases. If you compare that to January 5, 2015 there were 490 cases and March 31, 2014, there were 454 cases. So the return of the 300 cases has made a significant change in the

backlog. Latent prints backlog was 22, previous quarter was 35 and March, 2014 was 56, showing that latent prints is catching up with their backlog. Tool mark cases have increased with 6 in backlog as opposed to 3 in January, 2015, and 1 in March, 2014. Trace has currently 28 backlog cases; in January there were 36 cases; March, 2014 there were 21 cases. NIBIN as mentioned at the last meeting there has been a change in the way that NIBIN cases are tracked because if they are associated with a firearm submission they are not strictly NIBIN cases. Backlog is 24 as of March 31, 2105; 30 January, 2015; and 503 March, 31, 2014.

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In connection with the Providence returns there have been discussions as to what should happen with other departments throughout the state. After research was done there are some 40 gun related cases that were submitted to the Laboratory prior to July 1, 2014. Most of these cases are from Cranston and Pawtucket. There is a list in the packet which shows exactly where the cases are coming from. As mentioned by Deputy Coyne at the last meeting we do not want these cases to take precedence over new cases, so Director Hilliard stated that he would work together with Mr. Coyne on a letter to be sent to the Chiefs of each of the Police Departments asking them to consider doing a take back as Providence did . This means

reviewing those cases, taking them back and then resubmitting the cases as necessary. At the last meeting there was also discussion about Laboratory personnel now being able to keep up with cases coming in or in a year or so would there be another backlog. Director Hilliard stated that he went and looked at the number of cases which were being processed by each Section and in January of this year 16 cases were reported out by Firearms, February 17 cases, and March 34 cases. It varies on the type of cases coming up but on the average they are processing 20-25 cases per month.

Latent prints right now shows a reports of 41 cases in January, 32 cases in February, and 24 cases in March. Trace reports out about 8 cases per month on an average. NIBIN reports out about 24 cases a month. They were down in March because of the installation of a new system. The previous system has been retired and removed, and a new system was installed in March, 2015. This took about two weeks to install, so during that time no NIBIN entries were done. Right now there is about a 24 case backlog and the examiners claim that by the end of next month they should be caught up with that backlog. Any questions? Lt. Altimari then asked if the majority of the firearm cases were for examination or NIBIN, test fire. Director Hilliard stated that about 25% of the cases are for test fire. The other cases are unknown cartridge cases or projectiles which are make up about 50-60%. The rest are guns coming down from Departments for comparisons. Lt. Altimari then stated that it would seem, especially in the larger departments that they have firearm experts that should be able to test fire and certify their own guns, which then could cut down the

backlog. Director Hilliard stated that Providence is the only department which does that right now. Lt. Altimari stated that RISP also does it, and he then questioned why Cranston Police do not perform this as they have their own range. Mr. Coyne then asked how expensive and what type of equipment would be needed to test firearms. Director Hilliard stated that it depends on if you need to collect the bullet only, or if bullet analysis is required then you would need the bullet tank which costs approximately \$36,000.00 for all the bells and whistles. Director Hilliard stated that they had two welding companies in Rhode Island come down and look at the tank and they both estimate that a new one would cost between \$14-16,000.00, and this is without all the bells and whistles. Director Hilliard then explained that they are looking into getting a remote firing device in place.

As mentioned in previous meeting Ed Downing is going to retire from the Laboratory effective May 29, 2015. He has agreed to serve on the Search Committee for the new hire and also he has agreed to be hired back as a contractor to provide case review until a new examiner is hired and certified. Even though a new examiner who is hired may be qualified they have to learn the process at the RISC Laboratory and then take a proficiency test, which could take a couple of months.

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With the first firearms examiner it took three months, and second examiner only took a month and a half. It just depends on the

individual. Ed had recently taken an extended vacation and during that time Claire Demarais, who is a retired State Trooper, was placed on call and on the internal payroll to review cases. It was not necessary to use her while he was away, but if he was unavailable she was available. Any questions?

B. ISO/IEC Accreditation

a. March Audit

There was an audit performed in March, 2015. This was very successful. Initially there were three nonconformities findings that were reduced to two. Both have been addressed. One was improper dates on case notes, and the other was uncertainty of measurement for barrel length. This was resolved by having each of the firearm personnel measure a barrel length twice a day for ten days and report out their findings. Corrective action reports were filed for both issues and have been accepted by ANAB. The other issue had to do with the purchase of ammunition. What the auditor was looking for, was a purchase order confirming what we ordered is what was actually received. This has always been done, but the auditor claimed there was no documentation for the ammunition which was in stock. This ammunition in stock has been there for many years and generally ammunition is not purchased by Laboratory. This was explained and they then took that nonconformity off. There were also two areas for improvement one had to do with numbering of the pages in a report. In the check list review presently it states number of pages of notes but not the number of pages of the report, they would like to have

report number of pages included on the check list. The other one had to do with purchasing of supplies. The supplies should be purchased from an ISO certified vendor. On the PO the vendor's ISO number needs to be included. The new certificate should be arriving at the end of April or early May, 2015. Any questions on the audit? None.

C. Space Allocation

a. Environmental Issue with PCBs

There was an environmental issue this past quarter due to massive renovations involving tearing up the first and second floors in Fogarty Hall. A casement window was removed from the basement room to provide replacement cost estimates. The gasket in the window frame tested positive for PCBs which could be a health concern. Chafee Hall had PCBs about ten years ago, and there were some cancer related issues with personnel and questions about if these health issues were related to the PCBs or not or if it was another issue. Facility Director Vern Wyman initiated an air sampling and surface swipe sampling swabs which were collected throughout the building and then tested for PCB levels. All but one came back below detectable levels. One air sample came back a little above detectable levels. This was confined to one room where there are no personnel working. There was concern within the Staff, but once the reports came back everyone felt better.

There have been further discussions with the University regarding location of the Laboratory. Previously it was mentioned that there was discussion about building a Public Safety Building, but presently

this is on the back burner. The new discussions have been to take over the entire

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basement in Fogarty Hall and relocating the Laboratory there. Further discussions of this will be done once renovations are completed which is expected during the summer.

This includes not only the Laboratory but the training areas. Mr. Coyne then asked who would cover renovations? That will be discussed once the initial renovations are completed. Any questions?

III. Funding

A. Budget FY 2015

a. State Appropriation

Enclosed in the packet is a budget sheet showing expenditures to date. The first column shows the budget that was set up including the rollover from 2014. The initial allocation for FY2015 was \$1,035,888.00 which was later reduced by \$3,688.00 to \$1,032,220.00. In looking at The Governor's budget which was online it shows \$1,028,574.00 an additional reduction of \$3,646.00. There has been no explanation of this additional reduction. An inquiry to the URI budget office was done.

The URI Budget Overview for the FY2015 account has not reflected this reduction in the available balance. The Budget overview for FY2015 reflects an allocation of \$1,107,749.00 which includes the

\$1,032,220.00 State FY2015 allocation and the FY2014 carryover of \$75,529.00, which will be used for the obligated service contracts on the GC/MS and the new FTIR, \$51,274.00 which we will need to carry over from FY2015 to FY2016 in order to pay the service contracts on an annual basis. Any remaining balances in the FY2015 budget will be dedicated to the renovations necessary to bring the Bullet Recovery Tank into Fogarty Hall; this includes architectural fees, Ballistic Resistant Material and contractor's costs for the renovations and a new recovery tank.

FY2015 spread sheet shows current fund balance of \$349,037.00. Through the last quarter it is anticipated expending over \$200,000.00 on salaries, benefits, and the operation of the Laboratory. This would leave an anticipated surplus of \$149, 00.00 from which the service contracts must be subtracted (\$51,274.00) and the reduction of \$3,646.00 in the state accounting.

The anticipated of \$94,000.00 less the costs of renovations and the tank which was estimated at \$71,000.00 so the actual surplus would be estimated \$23,000.00

Any questions? Nancy Haley questioned the telephone expenses including routine and long distance calls and wanted to know if this was typical of other Departments at URI. Director Hilliard explained that the routine charges are for the equipment. He further explained that there are 10 phone lines and it is estimated that charges just for the phones is \$437.00 monthly. Long distance call expenses are very small in terms of all calls. Local calls average a penny a minute; Providence calls are three cents per minute. Every call gets charged.

Also the monthly charge includes \$205.00 for the T-1 line. Professor Larrat stated that the College of Pharmacy also has similar expenses for phone lines. Besides calls, fees for the personnel who work in the telephone shop at URI are charged on a monthly basis.

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b. Professional Staff Salary Adjustment

i. FY2015 Supplemental Request

URI asked for a supplemental of \$66,000.00 to address the salary upgrade issue, as this was not included in the FY2015 budget. As discussed in previous meetings there is a discrepancy in salaries with Laboratory personnel and DOH personnel. It was suggested by HR to move up the employees one grade. According to Greg Stack, the Budget analyst for the State for the Department of Administration Budget Office, the Governor did not request the supplemental amount for the salary increases, fringe benefits, etc. The Laboratory does not have money for this for the fiscal year. This was questioned with Greg Stack and he responded that there was not a process for this. There was no union grievance and they do not have any documentation to support the need for this supplemental amount. Discussions are ongoing with Mr. Stack and URI as to how to best resolve the issue. Right now if the Staff does not get the increase Director Hilliard

stated that he is sure his staff will file a union grievance.

c. Budget FY2016 Proposal

There are spreadsheets in the packet distributed at the start of the meeting. The spread sheet includes the FY2015 budget, and the proposed FY2016 for personnel costs and proposed operational costs. The Governor's budget request does not support a grade increase for personnel. The Governor's budget sheets for Public Higher Education that reference the RISCL is also included. This can be found in the first column. In the URI Budget Overview for FY2015 the reduction is not reflected in the available balance as the initial \$3,688.00 reduction.

In the second column you find that the amount requested for FY2016 is \$1,167,015.00. This amount includes the Grade increase and a contracted 3% COLA plus related benefit costs. The recommended total allocation in the Governor's FY2016 budget is \$1,072,892.00, which is \$94,123.00 less than requested.

The third column is for the FY2016 budget based on personnel and benefit costs in the Governor's request. Salaries in this budget increased to 6.7% over FY2015 for the FY2016 request, and is inconsistent with the expected 3% COLA for FY2016. Other benefit costs were placed into the spreadsheet to account for the total personnel funds recommended. Operational costs in this column were estimated based on the FY2015 expenditures keeping the cost of a new instrument (UV/Vis Spectrophotometer) at \$140,000.00. This leaves a structural deficit of \$52,254.00. It is noted that the requested cost for health and retirement benefits are less FY2016 than in

FY2015 which may indicate a reduction in the state costs for health benefits of and/or an increase in the in employee co-shares. The retirement benefit has always been at 9% of employee's salary for TIAA/CREF employer contributions. The numbers listed reflect a reduction to 8.2% of salary making no sense.

Right now it is impossible to come up with a FY2016 Budget until we see what happens with the FY2015. Sheets will be prepared showing what was asked for, what was received, where there deficits are, and if necessary the equipment monies which were budgeted for will not be purchased this year.

A hearing on the URI/State Crime Laboratory budget is scheduled for April 17, 2015 at 1:30 PM in the House Finance Committee. Director Hilliard stated that he will be present to testify if necessary.

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d. Coverdell FY2014

There is a Coverdell grant in place right now for \$14,181.75. This is used for training and conferences. These funds will be expended by September 30, 2015.

e. Coverdell FY2015

These funds came out last month. The Rhode Island Public Safety Administration has stated that the funds are less this year. The funds will be split equally between the RISCL, DOH FSL, DOH OCME, and RISPC CIU; Funds anticipated through this grant will be approximately \$13,934.75. These funds are used for training and

conferences.

We have been informed that these funds are not included in FY2016 Federal Budget. Director Hilliard has asked that letters be sent to Senators Whitehouse, and Reed, and Representatives Cicilline, and Langevin asking that these funds not be cut. Mr. Coyne said he would write a letter from RISCLC.

f. Byrne FY 2014

A grant was received on the city side in the amount of \$16,589.00. These funds will be used for the Bullet Recovery Tank Room renovation. These funds are going to be reduced as well. Again Director Hilliard asked if letters could be written asking not to reduce these funds.

g. Other Funds – URI Foundation and RICA

Google Funds

As stated above Mr. Stack from DOA suggested that these funds be used for the RISCL.

IV. OTHER BUSINESS

A. Federal Initiatives on Forensic Science

a. ASCLD Day on the Hill April 27, 2015

Director Hilliard stated that he will be attending the Annual Meeting of ASCLD on April 27, 2015. ASCLD has asked that all directors meet with the Senators and Representatives from their respective states. He stated that he will be meeting with Senators and Representatives from Rhode Island in DC to discuss having them support the Coverdell and Byrne Grants for FY2016. Director Hilliard stated that during the meetings he would explain how valuable these two grants

are to the Laboratory not only in Rhode Island but across the country. He also stated again how important letters would be in support of these grants from the RISCL would be.

b. Letters of Support for Byrne and Coverdell Grant Funding

Director Hilliard stated to the Commission that he had a letter regarding Byrne Grant Funding which was signed by about 30 different individuals which he has left with Mr. Coyne for his review. The letter was composed by the IPPA and was signed by multiple individuals including the American Academy of Forensic Sciences, IAI, etc.

B. URI Big Thinker

Director Hilliard asked if anyone was familiar with the URI Big Thinker, and he explained that he was named a Big Thinker at URI the week of April 6, 2015. He stated that his picture appeared on the webpage. From the URI Home Page if you scroll down to the bottom left side and click on the Big Thinker Logo you will find all the URI Big Thinkers listed.

C. East Providence Police

East Providence Police Department contacted the RISCL to inform personnel that they will be transferred some 14 guns for destruction.

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D. Other Business

Director Hilliard stated there had been a request by the RI Public

Defenders office for a training seminar which will be done on April 24, 2015. He explained that it will be a full day seminar showing all aspects of the Laboratory.

National Commission on Forensic Science has their quarterly meeting on April 30, 2015. They were provided a draft on expert testimony. The meeting can be streamed on line if anyone is interested.

As a last note there were 40 Law Enforcement graduates from the Criminal Investigation School on April 10, 2015.

The meeting was adjourned at 11:55 AM.

Minutes taken and transcribed by:

Monica Nason, Department of Attorney General